

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIJAH UNDERWOOD,

Defendant.

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CASE NO. 4:02CR00260-001

JUDGE JAMES S. GWIN

ORDER

This matter was heard on January 19, 2006, upon the request of the United States Probation Office for a finding that the defendant had violated the conditions of his supervised release. The defendant was present and represented by Attorney James Gentile. The case was previously referred to Magistrate Judge George J. Limbert for a Report and Recommendation which was filed on December 23, 2005. The Report and Recommended found that defendant had knowingly and voluntarily admitted to the violations and recommended that this Court find defendant had violated the terms of his supervised release. Defendant Underwood acknowledged his knowing and voluntary admission before Magistrate Judge Limbert of the violations set forth in the violation report. Having heard the statements of counsel for both sides in addition to a statement from the defendant, the Court adopts the Report and Recommendation and finds that defendant has violated the conditions of his supervised release as follows:

- 1) new law violation on August 11, 2005;
- 2) failure to notify probation officer of law enforcement contact.

Therefore, defendant is sentenced to serve additional time at the Community Corrections Association in Youngstown, Ohio until March 31, 2006. Defendant is granted work release privileges during this placement. Upon completion of this additional time all other terms of defendant's supervised release shall remain in effect as previously ordered.

IT IS SO ORDERED.

Dated: January 19, 2006

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE